

REMARKS

Applicants have amended claim 11 to particularly point out and distinctly claim the subject matter which they regard as their invention. Applicants have also corrected deficiencies in the Specification and in Figure 3. No new matter has been introduced by the above amendments.

Claim 11 is currently pending. Reconsideration of the application, as amended, is requested in view of the remarks below.

Objection

The Examiner objects to the Specification "because of the recitation to 'becking a dyed carpet' and similar language." See the Office Action, page 2, lines 3-6. Applicants have substituted the terms "backing" and "back," respectively, for the terms "becking" and "beck," all occurrences in the Specification and in Figure 3.

Rejection under 35 U.S.C. § 112, 2nd paragraph

The Examiner rejects claim 11 as being indefinite on four grounds. See the Office Action, page 3, line 5 to page 4, line 4. Applicants traverse each ground below:

(1) The Examiner indicates that "[c]laim 11 is indefinite for the phrase 'heat-setting twisted PTT yarns with a density of 200-240 g/m by use of a Superba.' ... said phrase is indefinite because it is unclear if the 'twist' is equivalent or different to the 'cabling' of the previous step." See the Office Action, page 3, lines 11-13. Applicants would like to point out that the word "twisted" recited in claim 1 is equivalent to the word "cabled." To promote clarity, Applicants have replaced the word "twisted" with "cabled."

(2) The Examiner correctly points out that "the value given for the density of the yarns are indefinite since 200-240 g/m would convert to 1,800,000-2,160,000 denier (g/9000 m) which is incomprehensible for a carpet yarn." See the Office Action, page 3, lines 14-16. Applicants submit that the phrase "[PTT] yarns with a density of 200 to 240 g/m" is a clerical error. Indeed, as correctly pointed out by the Examiner, a typical carpet yarn has a denier ranging from 500 to 8,000, which equals to a density of 0.056 to 0.89 g/m. Applicants therefore have replaced this

phrase with the correct expression, i.e., "200 to 240 g of the yarns are put on each meter of a metal plate of the heat-setting device." Note that, even though the yarns of claim 11 have a density less than 200-240 g/m, it is entirely feasible to put 200-240 g of the yarns on each meter of a metal plate simply by putting the yarns of sufficient length (e.g., hundreds of meters) on one meter of the metal plate.

(3) The Examiner indicates that "claim 11 is indefinite for the use of a registered trade name, 'Superba.' ... The claim scope is uncertain since the trademark or trade name is used to identify a source of goods, not the goods themselves." See the Office Action, page 3, lines 17-21. Applicants have removed the word "Superba" from claim 11.

(4) The Examiner points out that "[c]laim 1[1] is also indefinite for the use of the phrase 'becking a dyed carpet.' ... Does applicants intend the step to be 'backing' a carpet with an adhesive backcoat and/or a secondary backing?" See the Office Action, page 4, lines 1-4. Applicants have replaced the term "becking" recited in claim 11 with "backing."

For the reasons set forth above, Applicants submit that claim 11 is no longer indefinite and request that this rejection be withdrawn.

Rejections under 35 U.S.C. § 112, 1st paragraph and 35 U.S.C. § 101

The Examiner rejects claim 11 under (1) 35 U.S.C. § 112, 1st paragraph as being failing to comply with the enablement requirement, and (2) 35 U.S.C. § 101 as being lack of utility. See the Office Action, page 2, lines 13-14 and page 4, lines 10-14.

More specifically, the Examiner contends that "[s]aid claims limit the carpet yarn to [that] having a linear density of 200-240 g/m. A linear density as claimed is equivalent to a yarn size of 1.8-2.16 million denier. ... Typical carpet yarn sizes range from 500 to 8,000 denier. ... Yet, applicant has not provided an enabling specification as to how to make and use (i.e., tuft a carpet) a yarn having a denier of 1.8-2.16 million denier." See the Office Action, page 2, line 16 to page 3, line 4. The Examiner further contends that "[t]he claimed linear density of 200-240 g/m is inoperable in the carpet art, because such a pile yarn would be impossible to tuft on standard machinery with conventional primary backings. Additionally, such a yarn would produce a carpet too heavy to transport. Therefore, said claims lack utility." See the Office Action, page 4, lines 11-14.

Applicants have replaced the erroneous phrase "with a density of 200 to 240 g/m" recited in claim 11 with "200 to 240 g of the yarns are put on each meter of a metal plate of the heat-setting device." As mentioned above, it is entirely feasible to put 200-240 g of the yarns on each meter of a metal plate even though the density of the yarns is less than 200-240 g/m. Further, it would not be difficult at all to transport 200-240 g of yarns on each meter of a metal plate. Thus, Applicants submit that claim 11, as amended, is enabled and possesses utility.

CONCLUSION

Applicants submit that the grounds for rejection asserted by the Examiner have been overcome, and that claim 11 as pending, define subject matter that is useful, definite, and enabled. On this basis, it is submitted that this claim is now in condition for allowance, an action of which is requested.

Please apply any other charges to deposit account 06-1050, referencing Attorney's Docket No.: 13291-002002.

Respectfully submitted,

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Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Fig. 3 and replaces the original sheet containing Fig. 3. Specifically, in Fig. 3, Applicants have replaced the phrase “with a density of 200 to 240 g/m” with “in which 200 to 240 g of the yarns are put on each meter of a metal plate of the heat-setting device” and replaced the word “Becking” with “Backing.”

Attachments following the last page of this Amendment:

Replacement Sheet (1 page)
Annotated Sheet Showing Changes (1 page)

